

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

04 CR 10393 RGS

: CRIMINAL ACTION

v.

: Count One: 8 U.S.C.

: § 1326(a) - Illegal

FALCON DIOMEDES ANDUJAR-ARAIAS a/k/a : Re-entry by Deported

Falcon Diomedes Ortiz-Lara a/k/a : Alien

Nelson Ortiz a/k/a :

Falcon Ortiz a/k/a :

Falcon Arias a/k/a :

Falcon Diomedes a/k/a :

Dwight Braswell :

INDICTMENT

COUNT ONE: 8 U.S.C. § 1326 -- Illegal Re-entry of Deported Alien

The Grand Jury charges that:

On or about November 22, 2004, at Boston, in the District of
Massachusetts,

FALCON DIOMEDES ANDUJAR-ARAIAS a/k/a

Falcon Diomedes Ortiz-Lara a/k/a

Nelson Ortiz a/k/a

Falcon Ortiz a/k/a

Falcon Arias a/k/a

Falcon Diomedes a/k/a

Dwight Braswell

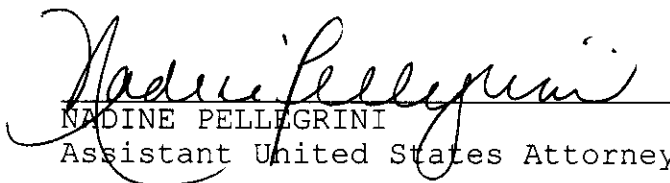
the defendant herein, being an alien and having been excluded,
deported and removed from the United States, was found in the
United States without having received the express consent of the

United States Attorney General prior to March 1, 2003, or the express consent of the Secretary of the Department of Homeland Security since that date, to reapply for admission to the United States.

All in violation of Title 8, United States Code, Section 1326(a)(1) and (b)(2) and Title 6, United States Code, Section 202(3) and (4) and Section 557.

A TRUE BILL

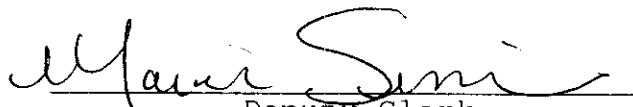

FOREPERSON OF THE GRAND JURY


NADINE PELLEGRINI
Assistant United States Attorneys

DISTRICT OF MASSACHUSETTS

December 22, 2004

Returned into the District Court by the Grand Jurors and filed.


Deputy Clerk
12/22/04
(WA) 3:10

JS 45 (5/97) - (Revised USAO MA 1/15/04)

Criminal Case Cover Sheet

04 CR 10393 RGS

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency ICECity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name FALCON DIOMEDES ANDUJAR-ARAI Juvenile ☐ Yes ☒ NoAlias Name Falcon Diomedes Ortiz-Lara (see indictment)Address 227 Albion Street, Wakefield, MABirth date (Year only): 1968 SSN (last 4 #): _____ Sex M Race: H Nationality: DR

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

USA Nadine Pellegrini Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: SpanishMatter to be SEALED: ☐ Yes ☒ No☒ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status:

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 12/22/04Signature of AUSA: Nadine Pellegrini

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District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant _____

U.S.C. Citations

| | <u>Index Key/Code</u> | <u>Description of Offense Charged</u> | <u>Count Numbers</u> |
|--------|-----------------------|---------------------------------------|----------------------|
| Set 1 | 8 USC 1326(a) | Illegal Re-entry by Deported Alien | 1 |
| Set 2 | _____ | _____ | _____ |
| Set 3 | _____ | _____ | _____ |
| Set 4 | _____ | _____ | _____ |
| Set 5 | _____ | _____ | _____ |
| Set 6 | _____ | _____ | _____ |
| Set 7 | _____ | _____ | _____ |
| Set 8 | _____ | _____ | _____ |
| Set 9 | _____ | _____ | _____ |
| Set 10 | _____ | _____ | _____ |
| Set 11 | _____ | _____ | _____ |
| Set 12 | _____ | _____ | _____ |
| Set 13 | _____ | _____ | _____ |
| Set 14 | _____ | _____ | _____ |
| Set 15 | _____ | _____ | _____ |

ADDITIONAL INFORMATION: